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Michigan Department of Civil Service

## REGULATION

Appointing Authority Letter Reference:	Effective Date:	Index Reference:	Regulation Number:
CS-6880	<del>June 1, 1998</del> <u>August 20, 2000</u>	Examinations, Reasonable Accommodations, Equal Employment Opportunity, <del>Handicappers</del> <u>Persons with Disabilities</u>	<del>3.07</del> <u>3.05</u>
Issuing Bureau: Human Resource Services	Rule Reference: Rules <del>1-3.1-8, 3-2.4</del> <u>3-1.4</u> , 3-5.1(a), 3-5.1(b), 3-5.2(a), and 3-5.2(b)	Replaces: <del>CS-6816</del> <u>Regulation 3.07</u> <u>CS-6880</u> <u>June 1, 1998</u>	
Subject: TWELVE-MONTH TRIAL APPOINTMENT PROCESS FOR <del>HANDICAPPERS</del> <u>PERSONS WITH DISABILITIES</u>			

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**NOTE: THIS REGULATION SUPERSEDES APPOINTING AUTHORITY LETTER CS-6816 AND THE ATTACHED CIVIL SERVICE REGULATION 3.07, "SIX-MONTH TRIAL APPOINTMENT PROCESS FOR HANDICAPPERS," EFFECTIVE JANUARY 21, 1997.**

### AUTHORITY:

The Michigan Constitution of 1963, Article XI, Section 5, states in part:

*The commission shall . . . determine by competitive examination and performance exclusively on the basis of merit, efficiency, and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering*

~~all personnel transactions, and regulate all conditions of employment in the classified service.~~

## **1. PURPOSE**

The Twelve-Month ~~Handicapper~~ Trial Appointment process permits the Department of Civil Service ~~staff to place~~ include individuals with disabilities ~~on employment lists in applicant pools~~, under certain conditions, without ~~taking~~ participating in the ~~written examination appraisal process administered by the Department of Civil Service~~ for the classification. The conditions and standards that apply to such ~~placement on employment lists~~ inclusion in applicant pools are included in this regulation.

## **2. CIVIL SERVICE COMMISSION RULE REFERENCE:**

~~Rules 1-3.1, 3-2.4, 3-5.1a, 3-5.1b, and 3-5.2a and 3-5.2b of the Michigan Civil Service Commission Rules state:~~

**A. ~~1-3.11-8 Alternate Evaluation Methods~~Equal Opportunity.** — In order to ensure equal employment opportunity based exclusively upon merit, efficiency, and fitness, the state personnel director may recommend to the commission, as an alternative to current means of evaluating applicants, methods for selection of persons qualified for classified employment or for promotional opportunity, which are designed to eliminate any discrimination based upon sex, age, handicap, race, national origin, religion, or political partisanship, and which eliminate all irrelevant factors for evaluation of applicants.

**B. ~~3-2.4 3-1.4 Reasonable Accommodations.~~** — The department of civil service shall make reasonable accommodations in its application and ~~examination appraisal~~ process for a ~~handicapper person with a disability~~ who makes a reasonable request for accommodation in advance. The department of civil service may offer an alternative evaluation method for a ~~handicapper person with a disability~~ if the ~~handicapper person~~ is unable to participate in the regular ~~examination appraisal~~ process. The department of civil service need not make an accommodation that would cause undue hardship on the department.

**C. 3-5.1 Probationary Period.** —

(a) **New employee without status.** Every person appointed to a position in the classified service who does not have status in the classified service at the time of appointment shall be required to satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary service rating as provided in rule 2-2 {Ref. Commission Meeting July 2000} as a condition of continued employment.

- (b) **Employee with status.** Every employee with status who is appointed to a new classification level shall satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary service rating as provided in rule 2-2 {Ref. Commission Meeting July 2000} as a condition of continued appointment in that position.

**D. 3-5.2 Length of Probationary Period. —**

- (a) **Minimum length.** The minimum length of a probationary period ~~shall be~~ is ~~2,080 hours of paid service~~ 12 months of full time employment or eighteen (18) months of less than full time employment of paid service.
- (b) **Extension of Probationary Period.** If the department of civil service or the appointing authority determines that (1) the probationary period has been insufficient to adequately test the performance of a probationary employee or (2) the performance of a probationary employee has been less than satisfactory, the department or the appointing authority may extend the probationary period for an employee. Any extension ~~may not exceed beyond~~ an additional 1,040 hours ~~six (6) months requires the approval of the state personnel director.~~ The department or appointing authority shall give written notice of the extension of the probationary period to the employee.

**BACKGROUND:**

~~The Civil Service Commission approved the use of the Six-Month Trial Appointment process in May 1977. This process is designed for persons, whose disabilities prevent them from competing, even when reasonable accommodations are provided, with other candidates in a standard written, examination electronic, or other appraisal process. Effective June 1, 1998, the Civil Service Commission extended the length of the probationary period from six months to twelve months for all appointments. The handicapper trial appointment process uses the probationary period in lieu of a written, examination electronic, or other appraisal process to evaluate candidates for positions in state classified government service. Therefore, the program is now extended to twelve months.~~

~~Reasonable accommodations for examination administration can be provided to handicappers persons with disabilities whenever possible. However, when accommodations are not possible, the use of the Twelve-Month Handicapper Trial Appointment process is appropriate.~~

**3. ELIGIBILITY**

This process is designed for persons, whose disabilities prevent them from competing, even when reasonable accommodations are provided, with other candidates in a standard written ~~examination~~ electronic, or other appraisal process.

Applicants for the Twelve Month ~~Handicapper~~ Trial Appointment must be referred and certified from one of these authorized certifying agencies: (1) Michigan Rehabilitation Services, (2) Michigan Commission for the Blind, or (3) ~~Michigan~~ Veterans' Administration. Individuals submitting applications directly to the Department of Civil Service, or individuals referred by other rehabilitation agencies, will be referred to authorized certifying agencies, who may certify them for the process after verification of the necessary supporting documentation.

#### **4. STANDARDS**

~~1.A.~~ The applicant must be self-designated as a ~~handicapper or a~~ person with a disability, as defined by applicable state and federal laws, by completing the Application for Disability Handicapper Designation and Request for Reasonable Accommodation in the Written, ~~Examination~~ Electronic, or Other Appraisal Process (CS-944) form.

~~2.B.~~ Applications will be reviewed to determine if reasonable accommodation can be used to assist the applicant in ~~taking~~ the written, electronic, or other appraisal examination process, in accordance with Civil Service Regulation 3.4611, "~~Examination Administration~~ Written, Electronic, or Other Appraisal Method Administration."

~~3.C.~~ Applicants certified for the process must possess the required education and experience for the requested classifications listed on the *Classified Civil Service Application* (CS-102) and *Recommendation for Eligibility Certification — Twelve-Month Trial Appointment* (CS-630) forms.

~~4.D.~~ Applicants must be able to perform the essential functions of the classification for which they are certified, with or without reasonable accommodations. Requests for reasonable accommodations on the job may be necessary and provided by the employer, as described in Civil Service Regulation 1.04, "Standardized Reasonable Accommodation Procedure."

~~E.~~ The requested ~~examination~~ appraisal method must be open in accordance with Civil Service Regulation ~~3.463.11~~.

~~7.F.~~ Applicants approved for this process will be ~~placed on employment lists included in applicant pools~~ in accordance with the time period established by the ~~Bureau of Human Resource Services~~ Department of Civil Service.

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~~8-G.~~ Applicants in this process may be removed from the referral process for the reasons defined in Civil Service Commission Rule ~~3-3.33-2.2~~, "Removal from ~~Employment List~~Applicant Pool."

~~9-H.~~ Once an applicant is appointed from the ~~employment list~~applicant pool, the twelve-month probation period will serve in lieu of the written, ~~examination~~electronic or other appraisal process to evaluate candidates for positions in state ~~government~~service. Upon satisfactory completion of the probation period, permanent status may be granted. The same probationary rating methods and time periods will be observed as in regular appointments. ~~Handicappers~~Persons with a disability who receive less than satisfactory ratings are subject to the same ~~penalties~~conditions as other employees (including separation from employment). Any appeals will be in accordance with Civil Service Commission Rule 3-5.5, "Grievance of Probationary Dismissal or Demotion."

~~10-I.~~ ~~Written, video, and oral assessments and examinations may be used for this program.~~ ~~Examinations~~Appraisal methods that consist of an assessment of an applicant's education and experience are exempted from this process.

~~14-J.~~ To enable successful job performance, whenever possible, sponsoring rehabilitation agencies may provide supportive services to ~~handicappers~~persons with disabilities appointed under this process and to employing departments and agencies.

## 5. PROCEDURES:

Responsibility

Action

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Authorized Agency: Michigan Rehabilitation Services, Michigan Commission for the Blind, or Michigan Veterans' Administration

1. Submits the Application for ~~Handicapper Disability~~ Designation and Request for Reasonable Accommodation in the Written, ~~Examination—Electronic, or Other Appraisal Process~~ (CS944), ~~Application for the Twelve-Month Trial Handicapper Program Recommendation for Eligibility Certification – Twelve-Month Trial Appointment~~ (CS-630), and the Classified Civil Service Application (CS-102) forms to the Bureau of Human Resource Services.

The forms must include the:

a. Classification and ~~examination title appraisal method and number~~.

a.b. Identification of the disability and the rationale for the certification.

c. Signature of the counselor.

Department of Civil Service,  
~~Bureau of Human Resource Services~~

2. Reviews the applications to determine if the applicant is eligible for the program.

3. If the applicant is eligible for the program:

- a. ~~Places—Includes~~ applicant ~~on employment lists in applicant pools~~ for which qualified.

- b. Sends notification letter to the applicant

- c. Sends copy of approved CS-630 application to the authorized certifying agency counselor.

4. If the applicant is not eligible for the program:

- a. Indicates rejection and ~~the~~ rationale for rejection on the CS-630 application.

- b. Sends copy of disapproved CS-630 application to the authorized certifying agency counselor.

5. Files the CS-102, CS-630, and CS-944 applications for six months.


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## **CONTACT PERSON:**

Questions ~~about regarding~~ this regulation should be directed to the Department of Civil Service ~~Bureau of Human Resource Services~~, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; ~~or by calling~~ (517) 373-3048, ~~for voice response or~~ [MDCS@state.mi.us](mailto:MDCS@state.mi.us). ~~For telephone assistance, please call the TYY telephone number, (517) 335-0191, or the Michigan Relay Center, 1-800-649-3777.~~

**NOTE:** Regulations are issued by the State Personnel Director under authority granted in the State of Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations that implement Commission Rules are subordinate to those Rules.

~~This regulation is issued in accordance with Subsection 2-13.5 of the Michigan Civil Service Commission Rules.~~

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